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Separate paging is given to this Part in order that it may be filed
as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 3rd April, 1993/Chaitra 13, 1915 (Saka)

The following President's Act is published for general information:—

**THE UTTAR PRADESH KRISHI UTPADAN MANDI
SAMITIS (ALPAKALIK VYAWASTHA) AMENDMENT
ACT, 1993**

No. 2 of 1993

Enacted by the President in the Forty-fourth Year of the Republic
of India.

An Act further to amend the Uttar Pradesh Krishi Utpadan Mandi
Samitis (Alpakalik Vyawastha) Adhiniyam, 1972.

In exercise of the powers conferred by section 3 of the Uttar Pradesh
State Legislature (Delegation of Powers) Act, 1993, the President is pleased
to enact as follows:—

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi
Samitis (Alpakalik Vyawastha) Amendment Act, 1993.

(2) It shall be deemed to have come into force on the 16th day of
January, 1993.

Short
title
and
commen-
cement.

Substitution of new section for section 2 of U.P. Act 7 of 1972.

Temporary provisions regarding administration of Mandi Samitis.

2. In the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972, for section 2, the following section shall be substituted, namely:—

“2. (1) With effect from the date of commencement of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Amendment Ordinance, 1993, the provisions of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (hereinafter referred to as the said Adhiniyam), shall, for a period of one year from the date of such commencement or until the constitution of an elected Mandi Samiti under section 13 of the said Adhiniyam, whichever is earlier, have effect in relation to every market area which existed on the date of such commencement or which is declared to be so during the said period, subject to the following provisions, namely:—

Ord. 11 of 1993.
U.P. Act 25 of 1964.

(a) notwithstanding anything contained in the said Adhiniyam, every *ad hoc* Committee constituted under this Act (as it existed immediately before the date of such commencement) shall stand dissolved, and the Chairman and every other member of such Committee shall cease to hold their respective offices;

(b) all powers, functions and duties of the Committee, its Chairman and Vice-Chairman shall be vested in, and be exercised, performed and discharged by the District Magistrate of the district in which the Principal Market Yard is situate, and such District Magistrate shall be deemed in law to be the Committee, its Chairman or Vice-Chairman as the occasion may require;

(c) subject to any general or special order of the State Government such District Magistrate may, subject to such terms and conditions as he may think fit to impose, delegate all or any of the powers conferred on him by clause (b) to any officer specified by him in this behalf;

(d) the State Government may, from time to time, by notification in the Gazette, make such incidental or consequential provisions, including provisions for adapting, modifying or suspending, in whole or in part, the operation of any provisions of the said Adhiniyam, but not affecting the substance, as may appear to it to be necessary or desirable for any of the foregoing or connected purposes.

(2) Every notification issued under clause (d) of sub-section (1) shall, as soon as may be, after it is issued, be laid before each House of the State Legislature, and the provisions of sub-section (1) of section 23A of the Uttar Pradesh General Clauses Act, 1904, shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.”.

U.P. Act 1 of 1904.

3. (1) The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Amendment Ordinance, 1993 is hereby repealed.

Ord. 11 of 1993.

Repeal and saving.

U.P. Act
7 of 1972.

(2) Notwithstanding such repeal, anything done or any action taken under the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhinyam, 1972, as amended by the said Ordinance shall be deemed to have been done or taken under the said Adhinyam, as amended by this Act.

SHANKER DAYAL SHARMA,
President.

B. R. ATRE,
Joint Secy. to the Govt. of India.

Reasons for the enactment

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam was enacted in 1964 (25 of 1964) to provide for regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets in Uttar Pradesh. Section 13 of the Adhiniyam provides for constitution of market committee, other than the first committee constituted by nomination, which shall consist of elected representatives of Local bodies, commission agents, producers and nominated members representing Food Corporation of India, Central Warehousing Corporation, State Warehousing Corporation and the State Government. As the elected Mandi Samitis under section 13 of the 1964 Adhiniyam could not be constituted, this section was amended by the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972, which provided for exercise, performance and discharge of all powers, functions and duties of the market committee by an *ad hoc* committee to be nominated by the State Government till the constitution of elected Mandi Samitis under the 1964 Adhiniyam. The provisions of 1972 Adhiniyam were substituted by the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) (Sanshodhan) Adhiniyam, 1980 which provided for dissolution of *ad hoc* Mandi Samitis and vesting of all powers, functions and duties of the Committee, its Chairman and Vice-Chairman in the District Magistrates. The 1980 Amendment was repealed by an amendment to the principal Act in 1983 and the position as prevailed just after the 1972 amendment was restored.

2. The system of *ad hoc* Committees has been continued since 1983 by way of Ordinances by the State Government. The last such Ordinance was promulgated by the Governor of Uttar Pradesh on 29th November, 1992 extending the arrangements till 30th June, 1993. The said Ordinance could not be laid in the State Assembly as the Assembly did not meet after the 29th November, 1992 till its dissolution on 6th December, 1992 when the State was placed under the President's Rule as per provision of article 356 of the Constitution. To avoid a vacuum in the administration of market committees a Presidential Ordinance namely the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Amendment Ordinance, 1993 (Ord. 11 of 1993) was promulgated on 16th January, 1993.

3. Parliament has under article 357 (1) (a) of the Constitution conferred on the President the powers of the legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993. It has, therefore, been decided to replace the said Ordinance No. 11 of 1993 by a Presidential enactment.

4. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1993, the President shall before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has not so far been constituted and the matter is very urgent in nature and the time left is very short, it is proposed to enact the measure without reference to the Committee.

NIRMALA BUCH,

Secy. to the Govt. of India, Ministry of Rural Development (Department of Rural Development.)

